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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,410	06/20/2002	Jiri Babej	60174-026	8965

7590 09/21/2004

Gregory D DeGrazia
Howard & Howard
The Pinehurst Office Center Suite 101
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151

EXAMINER

MITCHELL, KATHERINE W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10030410

EXAMINER

ART UNIT	PAPER
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20040917

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Response to Amendment

1. The amendment to the claims filed on 6/15/2004 does not comply with the requirements of 37 CFR 1.121(c) because the claims submitted 6/15/2004 as a full listing of the claims cancel claims which have never been submitted. The case as filed contained claims 1-23. Examiner notes that the PCT had an Article 34 amendment entered which replaced the claims originally in the PCT. The Article 34 amendment listed claims 1-23 only. Further, applicant is being provided with this action a copy of the transmittal letter clearly showing 23 total claims were filed. A claim listing showing 26 claims is incorrect, and any amendment must refer to only 23 currently pending claims. Any newly added claims must begin with claim 24.

2. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) *Claims*. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. **Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application.** In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing*. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required*. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes

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that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, *i.e.*, without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

3. Since the reply filed on 6/15/2004 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W Mitchell whose telephone number is 703-305-6713. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Katherine W Mitchell
Patent Examiner
Art Unit 3677

Kwm
9/17/2004

Attachment - 6 pages

Claims

1. A functional element (10, 110, 210, 310, 510, 610, 710, 810), in
5 particular a bolt element, consisting of a shaft part (14, 114, 214,
314, 414, 514, 614, 714, 814) and a head part (16, 116, 216, 316,
416, 516, 616, 716, 816) designed for a riveted joint to a panel ele-
ment, in particular a sheet metal part (30, 130, 230, 330, 430, 630,
730), characterised in that at least the head part is made hollow and
10 has at least substantially the same outer diameter as the shaft part.
2. A functional element (10, 110, 210, 310, 410, 510, 610, 710, 810) in
accordance with claim 1, characterised in that the end (20, 120,
220, 320, 420, 520, 620, 720, 820) of the head part (16, 116, 216,
15 316, 416, 516, 616, 716, 816) remote from the shaft part (14, 114,
214, 314, 414, 514, 614, 714, 814) is made in a known manner with
piercing and riveting features.
3. A functional element (10, 110, 210, 310, 410, 510, 610) in accor-
20 dance with claim 2, characterised in that the end (20, 120, 220,
320, 420, 520, 620) of the hollow head part (16, 116, 215, 316, 416,
516, 616) merges into a rounded off punching and drawing edge (26,
628) from the circular cylindrical jacket surface and has a conical
cutting face (26, 426 626) on the inside.
- 25 4. A functional element (10, 110, 210, 310, 410, 510, 610, 710, 810) in
accordance with one of the preceding claims, characterised in that
the inner space (18, 118, 218, 318, 418, 518, 618, 718, 818) of the

tened to the upper part, with a conical recess (898) arranged concentrically to the longitudinal axis (824') of the die being provided in the lower part (892) and the segments (904) having corresponding conical surfaces (920), in that the segments are biased in each case upwardly in the direction of the upper part (894) against said upper part (894) by spring-biased tappets (928) preferably set obliquely to the longitudinal axis (824') of the plunger arrangement, with their form features being able to engage in this position in those (812) of the functional element (810) pushed forward under the pressure of the inner plunger (848) , and in that the tappets (928) can be urged rearwardly by means of a drawing force exerted on the functional element and drawing it out of the plunger passage and the segments and move against the conical recess (898) of the lower part and thus into the open position to release the functional element.

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23. A method in accordance with claim 21, characterised in that the upper part (894) of the outer plunger (842) has a conical recess (900), which is also arranged concentrically to the longitudinal axis (824') of the die, to centre the segments (904) and in that the segments (904) have further conical surfaces (914) which come into engagement with said conical recess (900) in the closed position.

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**MULTIPLE DEPENDENT CLAIM
FEE CALCULATION SHEET
(FOR USE WITH FORM PTO-375)**

SERIAL NO.

10/030410

FILING DATE

APPLICANT(S)

CLAIMS

	AS FILED		AFTER 1st AMENDMENT		AFTER 2nd AMENDMENT	
	IND.	DEP.	IND.	DEP.	IND.	DEP.
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TOTAL IND.	3					
TOTAL DEP.	2					
TOTAL CLAIMS	5					

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TOTAL CLAIMS						

PTO-1380 (3-78)

MAY BE USED FOR ADDITIONAL CLAIMS OR AMENDMENTS

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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UNITED STATES NATIONAL STAGE SHEET (DO/EO)

Karen Williams, Paralegal

PUBLICATION NO. WO 01/03880

PUBLICATION DATE 18 JAN 01

U. S. APPL. NO. 01/030410

INTERNATIONAL APPL. EP 00/06465

Application Filed By: 20 MOS. _____ 30 MOS. ☒

Copy of International Application: ☒ Needed _____ Translation ☒ Language GERMAN

WIPO Designated EP Elected EP

Copy of Search Report (ISR) ☒

371 Filing fees ☒ paid _____ insufficient

Total Claims 23 Chargeable 24 Independent 3 Multiple 4

Total Drawing Sheets 18

Oath/Declaration needed ☒ signed 20 JUN 02 ☒ unsigned _____ defective _____

Small entity _____ large entity ☒ Small entity statement I S N

Biochemical Seq. Diskette _____ needed _____ damaged _____ entered _____ not entered _____

Biochemical Sequence listing _____ needed _____ statement _____ no statement _____

Copy of References Cited in ISR ☒

Copy of IPER ☒ Annexes ☒ entered ☒ not entered _____ IB/331 ☒

Preliminary Amendments _____ entered _____ not entered

Information Disclosure Statement _____

Request for Immediate Examination _____

Substitute Specification _____

Priority document 2 RO/101 _____ Assignment _____ Other papers 18/306

35 USC Receipt of Request 03 JAN 02

Date completion USC 371 Requirements 20 JUN 02

Notice of Missing Requirements 21 MAR 02

Notice of Defective _____ Response _____ Translation _____ Declaration _____

Notice of Acceptance 18 JUL 02

Notice of Abandonment _____

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

60174-026

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

10/030410

INTERNATIONAL APPLICATION NO.
PCT/EP00/06465INTERNATIONAL FILING DATE
7 July 2000 (07.07.00)PRIORITY DATE CLAIMED
9 July 1999 (09.07.99)

TITLE OF INVENTION

FUNCTIONAL ELEMENT, METHOD FOR FIXING IT IN A SHEET METAL PART, ASSEMBLING ELEMENT
AND SWAGING ASSEMBLY

APPLICANT(S) FOR DO/EO/US

BABEJ, JIRI

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☒ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☐ Other items or information:

